

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE INTUNIV ANTITRUST
LITIGATION

This Document Relates to: *All Actions*

Civil Action Nos. 16-cv-12653-ADB (Direct)
16-cv-12396-ADB (Indirect)

**DECLARATION OF LAUREN G. BARNES IN SUPPORT OF PLAINTIFFS' REPLIES
TO THEIR MOTIONS FOR SUMMARY JUDGMENT AND TO EXCLUDE CERTAIN
OPINIONS OF PLAINTIFFS' EXPERTS**

I, Lauren G. Barnes, hereby declare as follows:

I am a member of the bar of the Supreme Judicial Court of the Commonwealth of Massachusetts. I am a partner at Hagens Berman Sobol Shapiro LLP and lead counsel for the Direct Purchaser Plaintiff Class in this matter.

The exhibits to this declaration are cited within the plaintiffs' summary judgment and *Daubert* reply briefing, which were contemporaneously filed by hand and under seal with the court, and include:

- Plaintiffs' Reply Memorandum in Support of Their Motion for Partial Summary Judgment on Market Power;
- Plaintiffs' Reply Memorandum in Support of Their Motion for Summary Judgment as to Actavis's and Shire's Readiness and Ability to Launch Generic and Authorized Generic Intuniv;
- Direct Purchaser Class Plaintiffs' Reply Memorandum in Support of Their Motion to Exclude In Part the Expert Testimony of Dr. Gregory Bell;
- Plaintiffs' Reply Memorandum in Support of Their Motion to Exclude Certain Opinions of Harsha Murthy;
- Plaintiffs' Reply Memorandum in Support of Their Motion to Exclude One of the Opinions of Professor Alexander M. Klibanov;
- Plaintiffs' Reply Memorandum in Support of Their Motion to Exclude Certain Opinions of William Zoffer and Dr. Iain Cockburn; and

- Plaintiffs' Reply to Defendants' Response to Plaintiffs' Statement of Undisputed Material Facts in Support of Plaintiffs' Motions for Summary Judgment;

Listed below and attached are true copies of the following:¹

1. Attached as **Exhibit 295** is an excerpt from a spreadsheet, Decision and Action Summary, dated October 8, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0102158.
2. Attached as **Exhibit 296** is United States Securities and Exchange Commission Form 10-K for Shire PLC for the fiscal year ended December 31, 2015.
3. Attached as **Exhibit 297** is an email from David Buchen to Siggi Olafsson dated August 14, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0091425 through Actavis-Int-0091426.
4. Attached as **Exhibit 298** is an email from Roy Papatheodorou to David Buchen dated July 25, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0148333.
5. Attached as **Exhibit 299** is an email from David Buchen to Siggi Olafsson dated August 2, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0162453.
6. Attached as **Exhibit 300** is an email from Robert Pelletier to Andrea Sweet dated August 10, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0092108.
7. Attached as **Exhibit 301** is an email from Andrea Sweet to Leah Reimer dated August 22, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0163604.

¹ Consistent with the protective order in this matter but without prejudice to the plaintiffs' ability to challenge the confidentiality of these documents, the exhibits listed here have been filed under seal.

8. Attached as **Exhibit 302** is an email from Andrea Sweet to Leah Reimer dated October 1, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0094106.

9. Attached as **Exhibit 303** is an email from Amy Hulina to Andrea Sweet dated August 22, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0163664 through Actavis-Int-0163665.

10. Attached as **Exhibit 304** is an email from Doug Boothe to Claudio Albrecht dated October 4, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0164920.

11. Attached as **Exhibit 305** is an excerpt from Decision and Action Summary for guanfacine ER dated October 15, 2012, which was produced by Actavis, which is Bates numbered Actavis-Int-0093893.

12. Attached as **Exhibit 306** is an email from Jennifer Wu to Andrea Sweet dated October 22, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0094073.

13. Attached as **Exhibit 307** is Actavis Defendants' Objections and Responses to Direct Purchaser Plaintiffs' Second Set of Interrogatories dated September 5, 2018.

14. Attached as **Exhibit 308** is an email from Chris Young to Doug Boothe dated August 30, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0175938 through Actavis-Int-0175940.

15. Attached as **Exhibit 309** is a Guanfacine status dated October 19, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0175941.

16. Attached as **Exhibit 310** is an excerpt from an undated spreadsheet, which was produced by Actavis which is Bates numbered Actavis-Int-0175942.

17. Attached as **Exhibit 311** is an excerpt from an undated spreadsheet, which was produced by Actavis which is Bates numbered Actavis-Int-0175943.

18. Attached as **Exhibit 312** is an excerpt from an undated spreadsheet, which was produced by Actavis which is Bates numbered Actavis-Int-0175944.

19. Attached as **Exhibit 313** is Exhibit 3 to the Leonard Fasullo deposition, which was produced by Shire which is Bates numbered SHIREINT0227300 through SHIREINT0227302.

20. Attached as **Exhibit 314** is an email from Alicia Harrar to Hulaisa Wilson dated October 25, 2012, which was produced by Shire which is Bates numbered SHIREINT0226930 through SHIREINT0226931.

21. Attached as **Exhibit 315** is a Shire presentation, Sales & Operations Planning Meeting, Intuniv/ADHD BU, dated August 23, 2012, which was produced by Shire which is Bates numbered SHIREINT0209435.

22. Attached as **Exhibit 316** is an email from Ed Haug to David Herman et al dated September 3, 2012, which was produced by Shire which is Bates numbered SHIREINT0160404 through SHIREINT0160412.

23. Attached as **Exhibit 317** is an email from John Mooney to David Banchik dated March 9, 2011, which was produced by Shire which is Bates numbered SHIREINT0161858 through SHIREINT0161859.

24. Attached as **Exhibit 318** is an email from David Banchik to Ed Haug et al dated February 23, 2011, which was produced by Shire which is Bates numbered SHIREINT0163341.

25. Attached as **Exhibit 319** is an email from David Banchik to John Mooney dated February 23, 2011 dated February 23, 2011, which was produced by Shire which is Bates numbered SHIREINT0165524 through SHIREINT0165525.

26. Attached as **Exhibit 320** is an email from David Herman to Don Mizerk dated September 2, 2012, which was produced by Shire which is Bates numbered SHIREINT0204062 through SHIREIN0204070.

27. Attached as **Exhibit 321** is an email from Sherri Cirola to Erin Kelly et al dated February 13, 2013, which was produced by Shire which is Bates numbered SHIREINT0213097.

28. Attached as **Exhibit 322** is a Shire presentation, Intuniv, Sales and Operating Plan Partnership Meeting, Len Fasullo, dated May 29, 2013, which was produced by Shire which is Bates numbered SHIREINT0225947.

29. Attached as **Exhibit 323** is an email from Alicia Harrar to Leonard Fasullo dated April 25, 2013, which was produced by Shire which is Bates numbered SHIREINT0227074 through SHIREINT0227075.

30. Attached as **Exhibit 324** is a document authored by Leonard Fasullo dated September 6, 2012, which was produced by Shire which is Bates numbered SHIREINT0227301 through SHIREINT0227302.

31. Attached as **Exhibit 325** is an email from Leonard Fasullo to Alicia Harrar dated March 8, 2013, which was produced by Shire which is Bates numbered SHIREINT0227380 through SHIREINT0227382.

32. Attached as **Exhibit 326** is an email from Leonard Fasullo to Alicia Harrar dated September 26, 2012, which was produced by Shire which is Bates numbered SHIREINT0227415 through SHIREINT0227417.

33. Attached as **Exhibit 327** is an email from Jennifer Wu to Paisley Hall dated August 21, 2012, which was produced by Actavis which is Bates numbered Actavis-Int-0112916 through Actavis-Int-0112919.

Executed this 22nd day of November 2019, under the pains and penalties of perjury.

/s/ **Lauren G. Barnes**

Lauren G. Barnes

CERTIFICATE OF SERVICE

I, Lauren G. Barnes, certify that, on this date, the foregoing document was served by filing it on the Court's CM/ECF system, which will automatically send a notification of such filing to all counsel of record via electronic mail.

Dated: November 22, 2019

/s/ **Lauren G. Barnes**

Lauren G. Barnes